

# Special Session

<b>Agenda Item #</b>	6
<b>Meeting Date</b>	July 2, 2007
<b>Prepared By</b>	Jessie Carpenter City Clerk
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Second Reading Ordinance Amending the Takoma Park Code Chapter 5.24 Board of Elections, to Revise the Membership Composition of the Board
<b>Background</b>	<p>Ordinance 2006-36 established a Takoma Park Board of Elections to assist with planning and conducting City elections. Other duties of the Board include the following:</p> <ul style="list-style-type: none"> <li>• encourage voter registration in the City;</li> <li>• conduct voter education programs and prepare and distribute voter outreach materials;</li> <li>• recommend to the Council amendments to the City's elections law and regulations when it deems such amendments are necessary and will provide for the improved conduct of elections;</li> <li>• periodically review City elections procedures;</li> <li>• serve as election judges in City elections;</li> <li>• recommend additional qualified individuals to the Council for appointment as election judges during a regular or special City election; and</li> <li>• perform such other duties as may be assigned to the Board of Elections by Charter, ordinances and resolutions, and by the direction of the Council.</li> </ul> <p>The ordinance defined membership as “at least four but no more than seven.” As presented at first reading, the ordinance amended the language to read: “at least three but no more than seven.” Councilmember Austin-Lane suggested that it might be more appropriate to use less confining language regarding the minimum number of members.</p> <p>After further review of enabling ordinances for City committees, the staff concurs with the suggestion. The following revised language is proposed for second reading: “The Board of Elections shall be composed of up to seven members who shall be appointed by the Council.”</p> <p>As drafted, the ordinance will become effective immediately upon adoption.</p>
<b>Policy</b>	<p><i>Takoma Park Charter</i>, Section 613 - Regulation and Control by Council</p> <p>The Council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The Council further has the power to create and appoint an Elections Board and to specify the functions and duties of an Elections Board. The Election Board’s functions may include enforcing the City’s elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the Council pertaining to election matters shall</p>

	remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article.
<b>Fiscal Impact</b>	N/A
<b>Attachments</b>	Draft second reading ordinance (amended since first reading).
<b>Recommendation</b>	Staff recommends that Council adopt the amended ordinance at second reading.

Introduced by: Councilmember Seamens

First Reading: June 18, 2007

Second Reading:

Effective Date:

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE 2007-36**

**AMENDING CHAPTER 5.24 OF THE *TAKOMA PARK CODE* TO DECREASE THE  
MINIMUM NUMBER OF MEMBERS OF THE BOARD OF ELECTIONS**

WHEREAS, the Board of Elections was established to plan and conduct City elections, encourage voter registration, conduct voter education, review election laws and procedures and recommend amendments to improve the conduct of elections, recommend election judges for appointment, and perform other duties as assigned by Charter, ordinances and resolutions, and direction of the Council; and

WHEREAS, Chapter 5.24, Section 5.24.010 sets the number of members of the Board of Elections as “at least four but no more than seven” members; and

WHEREAS, at present there are three individuals who have volunteered to serve; and

WHEREAS, planning for the 2007 election is already underway; and

WHEREAS, the City Council has determined that it would be beneficial to the election process to have the Board of Elections in place as soon as possible.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:**

Section 1. Chapter 5.24, Section 5.24.010, be amended as follows:

**5.24.010 Establishment of Board of Elections**

The City of Takoma Park Board of Elections is established. The Board of Elections shall [**be composed**] consist of at least four three ~~but no more than~~ [**up to**] seven members who shall be appointed by the Council. The Council shall make every effort to ensure that the Board of Elections includes representatives from each Council ward.

Section 2. This ordinance shall be effective immediately.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2007 by roll-call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

### **EXPLANATORY NOTE**

Additions to the existing language of the Takoma Park Code are indicated by highlighting and underlining.

Deletions from the existing language are indicated by ~~strikeout~~.

Deletions to the ordinance since first reading are shown by ~~double underline and strikeout~~.

Additions since first reading are shown in bold and brackets.